IN THE HIGH COURT OF UTTARAKHAND
AT NAINITAL

Writ Petition No. 318(S/S) 2007

Sher Ram S/o Sri Har Ram,
Resident of village Devidhura,
Patti and P.O. Devidhura, Tehsil-Pati,
District Champawat. .....Petitioner.

Versus

1. State of U.P. through Secretary Intermediate Education, Lucknow (U.P.),
2. Director of Education (U.P.) Lucknow,
3. District Magistrate Pithoragarh, Distt. Champawat,
4. S.D.M., Lohaghat, District Champawat,
5. District Magistrate, Champawat,
6. D.E.O., Champawat, Distt. Champawat,
7. Director of Education, Vidyalayi Shiksha, Uttarakhand, Mayur Vihar, Dehradun,
8. State of Uttarakhand, through Secretary Education, Uttarakhand. .....Respondents.

Sri S.S. Negi, learned counsel for the petitioner,
Sri H.M. Raturi, learned Standing Counsel for the State/respondent nos. 3 to 8,
Smt. Beena Pandey, learned Standing Counsel for State of U.P./respondent nos. 1 & 2.

Hon'ble M.M. Ghildiyal, J.

Heard Sri S.S. Negi, learned counsel for the petitioner, Sri H.M. Raturi, learned Standing Counsel for the State of Uttarakhand/ respondent nos. 3 to 8 and Smt. Beena Pandey, learned Standing Counsel for State of U.P./respondent nos. 1 & 2.

By means of this writ petition, the petitioner has prayed for the following reliefs:-

i. Issue a writ, order or direction in the nature of mandamus commanding the respondents to appoint Basant Ram son of the petitioner in Class IIIrd post in

G.I.C. Devidhura, District Champawat in place of the land gifted by the petitioner in favour of G.I.C. Devidhura, District Champawat in accordance with annexure no. 1,2,3, & 4 of this writ petition.

ii. Issue a suitable writ, order or direction which this Hon'ble Court may deem fit and proper in the circumstances of the case,

iii. Award the costs, of the petition against the respondents and in favour of the petitioner.

Stands of the petitioner is that his Bhumidhary land situated in village Devidhura, Patti Devidhura, Tehsil Pati, District Champawat was acquired in the year 1995 for construction of the building of Inter College at Devidhura, district Champawat. The petitioner is now claiming employment for his son under the various G.Os. Issued time to time by the State of U.P. wherein it is provided that if any land of its owner is acquired for any project, preference shall be given to one of the family members of the displaced person for employment in the very project. The petitioner nowhere has stated that how much land he owns at Devidhura, as such it is not possible to find out as to whether the petitioner comes under the category of displaced person or not? In any case, as alleged by the petitioner itself, the said land was gifted by him for construction of the building of Inter College, at Devidhura in the year 1995 and after elopes of about 12 years, the petitioner is claiming employment for his son on the basis of the G.Os. issued by the Government.

Suffice it to say that firstly, in case some land was acquired or gifted for the said purpose, whether the petitioner comes under the definition of displaced person or not. In my

opinion, in absence of disclosure of the total land owned by the petitioner, he cannot be declared displaced person. Secondly, as alleged by the petitioner itself the land in question was gifted in the year 1995 for the purpose, as such, the petitioner cannot be treated as displaced person as he himself has gifted the land and the same was not acquired. Further he is claiming employment for his son after about 12 years.

Thus, it is not possible for the Court to direct the respondents to provide appointment to the petitioner's son without knowing as to whether there falls any vacancy in the Institution and whether the petitioner comes under the definition of displaced person or not? In the circumstances mentioned above, the petition lacks merit and is liable to be dismissed.

Accordingly, the petition is dismissed. No order as to costs.

(M.M. Ghildiyal, J.)

April 4, 2007:
NCM: